



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
WESTERN REGION**

Los Angeles Office
18000 Studebaker Road, Suite 660
Cerritos, CA 90703

April 21, 2010

Topson Downs
Culver City, CA

NOTICE OF UNLICENSED OPERATION

Case Number: EB-10-LA-0042
Document Number: W201032900009

On March 9, 2010, in response to an interference complaint from T-Mobile on the frequency range from 1820.0 MHz to 1920 MHz in Culver City, California, an agent from the Los Angeles Office located the signal to an antenna on the roof of your building at 3840 Watseka Ave., Culver City, California. During the interview with the Los Angeles Agent, a representative from Topson Downs acknowledged the operation of a bi-direction amplifier ("BDA")¹ installed in the company's basement area.

T-Mobile has a license to provide PCS services on 1900.0 MHz in the Culver City area. Based on the information before us, it appears the operation of your transmitter (BDA) is subject to the licensing requirements under Section 24.11 of the Commission's Rules,² which applies to PCS licensees like T-Mobile. In addition, transmitters in the PCS radio service must have received an equipment authorization prior to use.³ A licensee's authority to install a BDA does not, without further authorization from the licensee, permit a subscriber to install a BDA. In response to an inquiry from a Los Angeles agent, T-Mobile reported that it did not provide you authorization to install a BDA.

Operation of radio transmitting equipment without a valid FCC authorization or license is a violation of Section 301 of the Communications Act of 1934, as amended,⁴ and may subject the responsible parties to substantial monetary forfeitures, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment.⁵ Because unlicensed operation creates a danger of interference to

¹ Typically, a BDA is one component in an in-building radiation system comprising of low power transmitters, receivers, indoor antennas and/or leaky coaxial cable radiators, designed to improve service reliability inside buildings or structures. See 47 C.F.R. § 22.99.

² 47 C.F.R. § 24.11.

³ See 47 C.F.R. § 24.51

⁴ 47 U.S.C. § 301.

⁵ See 47 U.S.C. §§ 401, 501, 503, 510.

important radio communications services and may subject the operator to severe penalties, this warning emphasizes the importance of complying strictly with these legal requirements.

UNLICENSED OPERATION MUST BE DISCONTINUED IMMEDIATELY.

You have ten (10) days from the date of this notice to respond with any evidence that you have authority to operate granted by the FCC or have obtained consent from a licensed Common Carrier. To resolve the issue with respect to your authority to operate this device, and pursuant to Section 403 of the Communications Act of 1934, as amended,⁶ provide an explanation as to what has been done to correct the interference issue and to ensure that it will not recur; provide the equipment authorization for the equipment involved, and identify the make, model and serial number of each piece of equipment including the antennas if applicable.

Your response should be sent to the address in the letterhead and reference the listed case and document number. Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

Nader Haghighat
District Director
Los Angeles Office
Western Region
Enforcement Bureau

Attachments:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", March 2005

⁶ 47 U.S.C. § 403.